

Vehicle Towing and Release

502.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Hudson Police Department.

502.2 IMPOUNDS

When circumstances permit, for example when towing a vehicle for parking or registration violations, the handling employee should, prior to having the vehicle towed, make a good faith effort to notify the owner of the vehicle that it is subject to removal. This may be accomplished by personal contact, telephone or by leaving a notice attached to the vehicle at least 24 hours prior to removal. If a vehicle presents a hazard, such as being abandoned on the roadway, it may be towed immediately (Wis. Stat. § 349.13(3)).

All vehicles towed, except by request of the owner, will be taken to the Hudson PD impound lot.

502.2.1 REPORT

Department members who tow or impound a vehicle will complete an incident report as soon as possible. The report will contain the date, time, location of the towed vehicle, where it was towed too, and the name and address of the owner

502.2.2 REMOVAL FROM A TRAFFIC CRASH SCENE

When a vehicle has been involved in a traffic crash and must be removed from the scene, the officer shall have the driver select a towing company, if reasonably possible, and shall relay the request for the specified towing company to the Dispatch Center. When there is no preferred company requested, a company will be selected from the rotational list of towing companies maintained by the police department.

If the owner is incapacitated or for any reason it is necessary for the Department to assume responsibility for a vehicle involved in a crash, the officer shall request the dispatcher to call a company selected from the rotational list of towing companies. The officer will then conduct an inventory and store the vehicle using a vehicle impound and inventory report.

502.2.3 STORAGE AT AN ARREST SCENE

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department to provide reasonable safekeeping by towing the arrestee's vehicle subject to the exceptions described below. The vehicle, however, shall be towed whenever it is needed for the furtherance of an investigation or prosecution of the case, or when the community caretaker doctrine would reasonably suggest that the vehicle should be towed (e.g., traffic hazard, high-crime area).

Situations where consideration should be given to leaving a vehicle at the scene in lieu of towing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition, include:

- A traffic-related arrest.

Hudson Police Department

Hudson Police Dept Policy Manual

Vehicle Towing and Release

- Situations where the vehicle was not used to further the offense for which the driver was arrested.
- Whenever the licensed owner of the vehicle is present, willing and able to take control of any vehicle not involved in criminal activity.
- Whenever the vehicle otherwise does not need to be towed and the owner requests that it be left at the scene. In such cases the owner shall be informed that the Department will not be responsible for theft or damages.

502.2.4 DRIVING A NON-CITY VEHICLE

Vehicles that have been towed by or at the direction of the Department should not be driven by police personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with parking regulations. In all cases officers will get permission from the driver of the vehicle to move it. If permission is not granted and the vehicle needs to be moved, then it will be towed as perscribed in this policy.

502.3 TOWING SERVICES

The Police Department will maintain a list of local wrecker companies that wish to be on the Department's tow list to be called on a rotating basis. This list will be maintained at the St Croix County Dispatch Center. The St Croix County Dispatch Center or the HPD will notify the wrecker companies when they are requested for a tow.

Tow companies that wish to be on the HPD tow list will sign an agreement outlining both the department's and the tow companies responsibilities. Tow companies must also provide a location within two miles of the city limits where vehicle owners may come and retrieve their vehicles if towed to the companies facilities.

[See attachment: Tow Policy and Application Agreement.pdf](#)

502.4 VEHICLE INVENTORY

All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle inventory form. This includes the trunk and any compartments or containers, even if they are closed, but not locked. Forced entry into these areas will not be allowed unless a search warrant has been obtained or the vehicle owner no longer wants their vehicle. Members conducting inventory searches should be as thorough and accurate as practicable in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while the owner is in police custody, to provide for the safety of officers and the public, and to protect the Department against fraudulent claims of lost, stolen or damaged property.

502.5 PRESERVATION OF EVIDENCE

An officer removing a vehicle, who has probable cause to believe that the vehicle or its contents constitute any evidence which tends to show that a criminal offense has been committed, or tends

Vehicle Towing and Release

to show that a particular person has committed a criminal offense, should ensure that all legally required and reasonably necessary efforts to preserve the evidence, including but not limited to, safe storage, are taken until the evidence is released to the owner or otherwise disposed of according to law.

502.6 SECURITY OF VEHICLES AND PROPERTY

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, an officer should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g., cash, jewelry, cellular telephone, prescriptions) that are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property.

Any personal property shall be returned to the owner of the vehicle during regular office hours upon presentation of proper identification (Wis. Stat. § 349.13(5)(b)(2)).

502.7 TOWING/IMMOBILIZATION FOR ORDINANCE 235-55B VIOLATIONS

The purpose of this ordinance is to gain compliance from individuals who are delinquent in paying their parking tickets issued by the City of Hudson. Because of this, officers will have to become familiar with attaching the immobilization device or “Boot” and the procedures for a person to retrieve their vehicle once it has been towed or immobilized. Immobilization device or “Boot”: Is the yellow “Titan Parking Enforcement Device.”

502.7.1 METER MONITOR RESPONSIBILITIES

a. When a meter monitor finds a vehicle that is in violation of ordinance 235-55 B they shall do the following:

i. Make sure the vehicle is currently violating a Hudson Parking restriction and issue this vehicle a parking ticket for this current violation.

ii. Make a call to City Hall or Hudson PD and have a clerk or supervisor verify through the Clancy parking system that this vehicle does have three or more unpaid and uncontested parking tickets.

iii. Place the bright orange “Notice” letter under the windshield wiper where the operator of this vehicle will be able to see it immediately.

iv. Have the immobilizing boot put on the vehicle’s front left tire or have a Hudson PD officer come and have the vehicle towed to the city impound lot.

b. The meter monitor will be notified that a vehicle is in violation through the use of the handheld device used for issuing parking tickets.

Hudson Police Department

Hudson Police Dept Policy Manual

Vehicle Towing and Release

c. Once this is completed, the meter monitor will return to HPD and gather the information on this vehicle for the officer who must write an ordinance citation to the owner. The following information should be gathered for the officer:

- i. Name and address of the owner.
- ii. Vehicle description to include the vehicle registration information.
- iii. How much money is owed for these parking violations.
- iv. Print off the parking ticket history for this vehicle as the officer will need this for his paperwork.

502.7.2 OFFICER RESPONSIBILITY

a. Once an officer is notified by a meter monitor of a violation of ordinance 235-55 B, the officer will respond to the monitor's location to either help with immobilizing the suspect vehicle or with towing the vehicle to the city impound lot.

- i. The "Boot" and its key will be kept in the Parking Enforcement Office located at HPD. Officers need to be aware of their locations should they need to bring this device to the monitor.
- ii. The "Boot" should be the primary tool used during these violations. Towing should be used when the vehicle cannot be released in a timely manner or the owner of the vehicle cannot post bond to retrieve their vehicle.

b. When the owner of the vehicle comes to HPD to retrieve it, the officer will issue this person an ordinance citation for violation of 235-55 B.

- i. This citation will have a mandatory court appearance for the next appropriate court date.
- ii. The Officer will put the bond amount determined by the municipal court for this offense. The Officer will also put down the following as restitution for the past parking violations:
 1. Total amount of parking fines past due.
 2. Towing fee will be the cost of the tow plus the \$25 service fee.
 3. The immobilization fee is \$25.

c. The owner of this vehicle will have to pay the bond amount plus the restitution amount up to a maximum of \$500 dollars for their vehicle to be released.

d. If the owner of the vehicle cannot pay the bond to retrieve their vehicle, they must be directed to the municipal court offices so they can set up a time to meet with the municipal judge. The court will then give the owner a letter stating the date of the hearing and the authorization for HPD to release this vehicle.

e. Once the bond has been posted or municipal court authorizes its release the vehicle can be released to the owner.

Attachments

Tow Policy and Application Agreement.pdf

City of Hudson Tow Policy and Application

The following is the towing policy and application established by the Hudson Police Department. This policy and application supersedes previous policies. This policy/application is subject to review and change by the City at any time and confers no rights on the towing/wrecker companies who choose to participate in Hudson Police Department tow list.

Definition:

Wrecker Company: The company's business address and owner will be defined as a wrecker company (street name, number, and city). In circumstances where businesses with different names operate out of one location, all businesses operating out of one location will be considered one business for purposes of the rotating call list.

Wrecker: Wrecker is defined as a vehicle specifically designed for the purpose of towing, or carrying vehicles.

Wrecker Company Lot: A location where vehicles are stored within two miles of the City of Hudson in the State of Wisconsin which complies with all applicable zoning or other local ordinances or regulations.

Business Hours: 0600 hrs – 1800 hrs (Monday through Friday)

Non Business Hours: 1801 hrs – 0559 hrs and Saturday and Sunday.

Wrecker companies who wish to be on the Hudson Police Department's tow list shall comply with the following requirements:

- A. Maintain a lot and office with regular business hours within two miles of the Hudson city limits within the state of Wisconsin where the vehicle owner can retrieve the vehicle and pay any charges related to towing. In all cases, lots shall comply with all applicable zoning and any other regulations. The wrecker company must provide proof of zoning compliance at time of application to be on the Hudson tow list.
- B. Wrecker companies will be available seven days a week, 24 hours a day.
- C. Wrecker companies will have a response time of no longer than 30 minutes, to a location when an officer is standing by.
- D. When a tow is requested by the owner/operator of a vehicle, wrecker companies will tow the vehicle to a location agreed upon with the owner/operator. They will then bill the owner/operator of the vehicle for the tow. The Hudson Police Department will not collect bills for the wrecker companies.
- E. The Hudson Police Department will pay wrecker company fees and bill owners of vehicles towed by the Hudson Police Department. In all situations where the Department is billed for towing a vehicle, the vehicle will not be released until all fees are paid.
- F. On an annual basis, fee rates for any vehicle towed by Hudson Police Department will be established. The fee rate will be the same for all participating wrecker companies. Fees will be established on January 1st of each year.

- G. Under extenuating circumstances, fees may be higher than identified (i.e., extended wait, extra work for hookup of vehicle, special equipment, larger than normal vehicles).
- H. Maintain appropriate insurance. Wrecker service shall provide proof of insurance at time of application to be on the Hudson tow list.

If a wrecker does not respond to a call/page, or does not report to the scene within 30 minutes, a new wrecker will be paged and the non-responding wrecker will be placed at the bottom of the "Call List". A wrecker company that misses or does not respond to a call three times within a 12-month period will be removed from the list. They will remain off the list for a three-month period. After three months they can request to be placed back on the list. If they violate this policy again (three times in 12 months), they will be removed from the list for six months. Any further violations (three times in 12 months) within one year will result in the company being removed from the list for one year.

Your signature signifies you agree to comply with the above policy. It confers no rights on the tower/wrecker company. The tower/wrecker company acknowledges that the City has the authority to change this policy at any time within the sole discretion of the City and that this policy confers no rights on the undersigned towing/wrecker company. A wrecker company providing false information on this application shall be removed from the Hudson tow list for a period of two years.

Business Hour Tow \$ _____

Non Business Hour Tow \$ _____

Signed _____
Wrecker Company

Signed _____
Hudson Police Department

**Information Sheet
Tow Policy Application**

Tow Company Name: _____

Tow Company Owner: _____

Address of tow site (within two miles of the city of Hudson).

In cases where the property does not belong to tow company, a letter from the property owner must be attached, acknowledging that an agreement allows the tow company to use the property.

Phone Number: _____

Contact Person: _____

Attached letter of approval of representative of political subdivision where tow sight is located.

Proof of Insurance.